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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/843,711	04/16/1997	CELSO S.J. BAGAOISAN	22965.2111	6568
24201	7590	11/01/2005	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP			KENNEDY, SHARON E	
HOWARD HUGHES CENTER				
6060 CENTER DRIVE			ART UNIT	PAPER NUMBER
TENTH FLOOR			3767	
LOS ANGELES, CA 90045			DATE MAILED: 11/01/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/843,711	BAGAOISAN ET AL.
	Examiner Sharon Kennedy	Art Unit 3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 02 September 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1, 3-23 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

This application is in condition for allowance except for the following formal matters:

The latest version of the claims is not in accordance with reissue practice. A new copy of the claims is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

Claims 1 and 3-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Claims 1, 2-5, 1-23 have been unchanged and are allowable for reasons of record. Regarding claim 6, which is amended, the closest prior art is the patent to Hernandez et al., US 5,269,759. Claim 6 requires an elongated distal shaft section having a second and third lumen. In contrast, the Hernandez device shows the distal shaft section (guide catheter 10) having no third lumen. Further Hernandez requires an inflatable balloon on the distal shaft section having an interior in fluid communication with the second inner lumen. Groshong et al., US 4,431,426 has also been applied to previously presented claims. With regard to newly presented claim 6, Groshong does not disclose a balloon and the entire apparatus is dedicated to a method of inserting a

Hickman-type catheter with a tissue tunneler. Alexander, US 4,004,588 is also lacking the disclosed embodiments. As regards Polin, US 3,828,782, note is made of figure 6. Claim 6 requires that the second lumen and the first lumen be in fluid communication, wherein the second lumen is also in communication with an inflatable balloon. However, assuming that tube 46 is the second lumen (see distal port 25 of tube 46, which communicates with the balloon) it can be readily ascertained from the figures that this tube 46 in no way connects to a figure lumen, which would be Polin lumen 19.

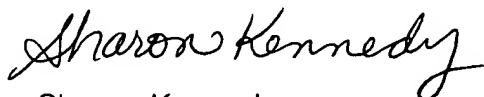
As regards the oath, applicant's comments are noted, and the oaths (original and supplemental) are sufficient.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons, can be reached on 571/272-4965.

Information regarding the status of an application may be obtained by going to [www.uspto.gov](http://www.uspto.gov), clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.



Sharon Kennedy  
Primary Examiner  
Art Unit 3762